

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION 1517

IN RE: Review of a Bishop's Ruling on a Question asked at the Called Special Session of the Dakotas Conference Regarding the Cabinet Resolution to Close Embrace Church/UMC.

DIGEST

Although presented as a church closure, the factual background and the process leading up to the vote of the Dakotas Annual Conference on the separation of Embrace UMC did not satisfy the requirements set forth in ¶2549 of *The Book of Discipline 2020/2024*. The resolution to close and the vote of the annual conference ratifying the resolution were a pretext for allowing Embrace UMC to leave the denomination with its property in violation of the Trust Clause. These actions were improper and not consistent with ¶2549 as construed by Judicial Council Decision 1512. Paragraph 2549 cannot be used for church separation under the pretext of “closure” to bypass the Trust Clause. The bishop's ruling of law is reversed.

STATEMENT OF FACTS

In early 2023, the leadership of the Dakotas Annual Conference and representatives of Embrace UMC began discussions on the future of that church within the conference and The United Methodist Church. According to the 2024 Dakotas Conference Journal, Embrace UMC, founded in 2007, had sites in Sioux Falls and Tea, South Dakota and reported a membership of 2,300. During these conversations, the conference leadership concluded that Embrace UMC, though constituted as a United Methodist congregation, did not reflect the theology, polity, practices, or doctrinal standards of The United Methodist Church, nor did the membership have the intention to remain part of the connection. Following these talks and a process of gathering historical data and other information, a formal mediation was conducted in the fall of 2024 between appointive cabinet representatives, the bishop of the Dakotas Annual Conference, and Embrace UMC. Under the separation settlement, the annual conference agreed to close the church and release the property from the Trust Clause, and Embrace UMC agreed to pay \$1.25 million and continue to operate, but as a new legal entity.

On October 23, 2024, the bishop called a Special Session for the Dakotas Annual Conference to consider a resolution ratifying the closure of Embrace UMC per the provisions of ¶2549.

On October 26, 2024, the Judicial Council issued Decision 1512, in which it held that “¶2549 cannot be construed or used as legislation permitting the ‘gracious exit’ of local churches because it applies to church closure and the sale of property, not disaffiliation.” [emphasis added]

On November 12, 2024, the bishop met with the conference chancellors to review Judicial Council Decision 1512. After deliberation, conference leadership decided to move forward with the special called session.

On November 23, 2024, the bishop convened a Special Session of the annual conference at which the resolution to close the church was ratified by the members. Prior to the vote, a delegate asked the following question of law:

Is the “Cabinet Resolution to close Embrace Church/Embrace UMC,” submitted for vote at the Special Session of the Dakotas Annual Conference meeting on November 23, 2024, along with accompanying background and rationale printed on pages 5 and 6 of the Special Session Conference Workbook, consistent with or in violation of ¶¶ 2501 and 2549 of the 2016 Book of Discipline as interpreted by Judicial Council Decision 1512?

A resolution to close Embrace UMC was presented to the Dakotas Annual Conference and adopted by a vote of 162 to 22. The resolution reads as follows:

WHEREAS, through mutual discernment and deliberation, it is recommended that Embrace United Methodist Church be dissolved as a United Methodist congregation;

THEREFORE, BE IT RESOLVED that the congregation be recognized with thanks to God for their partnership in ministry, and that Embrace United Methodist Church in the Southeast District of the Dakotas Conference of The United Methodist Church be officially discontinued under the provisions of The Book of Discipline, ¶ 2549 by the Dakotas Conference effective December 31, 2024;

BE IT FURTHER RESOLVED, that the Conference accept the agreement set forth in mediation and direct the trustees to complete the process and tend to the disposition of property; and with the help of pastoral leadership at Embrace and assistance of the Southeast District Superintendent and spiritual leaders to tend to and care for those that wish to remain United Methodist. role of the Charge Conference of that local church especially Section XI of the Constitution and ¶244.1, ¶246.1, and ¶252.

On December 19, 2024, the bishop issued and reported the decision of law to the Judicial Council for its review as required by ¶52 of *The Book of Discipline 2020/2024*. [hereinafter *The Discipline*] The decision, in brief, states: “I rule that the Cabinet Resolution to close Embrace United Methodist Church was consistent with ¶2501 and ¶2549 of *The Book of Discipline* (2016) as interpreted by Judicial Council Decision 1512.”

JURISDICTION

The Judicial Council has jurisdiction pursuant to ¶2609.6 of *The Discipline*.

ANALYSIS AND RATIONALE

This case hinges on the answer to one question: Did the Dakotas Annual Conference ratify an actual closure or adopt a resolution that was a pretext for allowing Embrace UMC to leave the denomination while retaining its property in violation of the Trust Clause? In the decision, the bishop took the position that the church was “closed” under the procedures of ¶2549. Though presented as “closure,” the factual background of this case and the specific arrangement made between the conference and the church do not satisfy the requirements set forth in ¶2549. We deem it important to emphasize what the Judicial Council said in Decision 1512:

Connectionalism is a bedrock principle of United Methodist constitutional polity, and the Trust Clause is its foundational element. Disaffiliation is a radical departure from connectionalism, and, therefore, church property can be released from the Trust Clause only to the extent authorized by Church law.

With the expiration and deletion of ¶2553, the postponed 2020 General Conference effectively removed from *The Book of Discipline, 2016*, the only pathway for the disaffiliation of local churches. [...]

Further, ¶2549 cannot be construed or used as legislation permitting the “gracious exit” of local churches because it applies to church closure and the sale of property, not disaffiliation. Any application of ¶2549 to that end would be a misapplication of Church law. [emphasis added]

This is exactly what happened here. The Dakotas Annual Conference, under the pretext of “closure,” used ¶2549 to facilitate the departure and separation of Embrace UMC with its property, bypassing the Trust Clause.

The bishop stated in the ruling that the process required by ¶2549.2(a) was followed, but acknowledged that an “outlier” was the requirement of “¶ 2549.2.a (1) ‘guiding the congregation in an assessment of its potential’ (¶213 - A Process for Assessment of Local Church Potential).”

The bishop attempted to excuse this omission on the following ground:

... conference leadership determined there was no reconciliation possible as Embrace Church had simply evolved as an entity that was detached from the annual conference and the Wesleyan way of serving Christ through our shared discipline, doctrinal standards and theological task, the ministry of all Christians, the Social Principles, and our organization and administration.

That crucial first requirement was not met, rendering the entire process leading to the closure deficient.

Notwithstanding ¶2549.2(d), the Judicial Council is charged with reviewing the bishop’s decision of law, and it does so in this case. The Judicial Council’s authority and responsibility are

clear, and it will not cede that authority or shirk its duty as the arbiter of *The Discipline* and the legality of actions of the annual conferences taken ostensibly under Church law. We are not asked to pass on whether the closure of Embrace UMC should be invalidated, but whether the resolution to close Embrace UMC is consistent with ¶2549 as construed in Decision 1512. We hold, based on the record before us, that the resolution was improper because the requirements of ¶2549 were not fulfilled.

The bishop erred in ruling that the Dakotas Annual Conference correctly applied ¶¶2501 and 2549 and Decision 1512 in their dealings with Embrace UMC. The bishop's decision is hereby reversed.

DECISION

Although presented as a church closure, the factual background and the process leading up to the vote of the Dakotas Annual Conference on the separation of Embrace UMC did not satisfy the requirements set forth in ¶2549 of *The Book of Discipline 2020/2024*. The resolution to close and the vote of the annual conference ratifying the resolution were a pretext for allowing Embrace UMC to leave the denomination with its property in violation of the Trust Clause. These actions were improper and not consistent with ¶2549 as construed by Judicial Council Decision 1512. Paragraph 2549 cannot be used for church separation under the pretext of "closure" to bypass the Trust Clause. The bishop's ruling of law is reversed.

Molly Hlekani Mwayera and Øyvind Helliesen were absent.

Jonathan Ulanday was absent. Timothy Bruster, first clergy alternate, participated in this decision.

April 25, 2025